

# Notice of Allowability

Application N .

10/608,994

Examiner

William H. Mayo III

Applicant(s)

MCMILLAN ET AL.

Art Unit

2831

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 1, 2004.
2. ☒ The allowed claim(s) is/are 1-7,9-17 and 19-21.
3. ☒ The drawings filed on 27 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

William H. Mayo III  
Primary Examiner  
Art Unit: 2831

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-7, 9-17, and 19-21 are allowed.
2. The following is an examiner's statement of reasons for allowance: This invention deals with a device a container, a splice supporting member, and a locking mechanism comprising a protrusion having a gradually sloped face on a first side and a barrier face on a second side; one of the protrusion and a channel being defined on the outside surface of the member and the other protrusion and channel being defined by an inside surface of the container; wherein the protrusion has an gradually sloped face engaging a gradual drop-off face on a first side of the channel and the barrier face engaging a steeply rising face on the second side of the channel when a user attempts to remove from the container (claim 1). This invention also deals with a protective enclosure comprising a member, a substantially tubular container, wherein an annular rib is received in an annular channel; one of the rib and a channel being defined on the outside of the member and the other rib and channel being defined by an inside surface of the container; wherein the rib has a gradually sloped face on one side and a barrier face on another side; and having a gradual drop-off face on a one side which engages the gradually sloped face when the member is received into the container; said channel also having a steep rise face on another side which engages the barrier face when a user attempts to remove from the container (claim 18). This invention also deals with a protective enclosure comprising a member, a substantially tubular container, and an

annular rib which is received in an annular channel, one of the rib and a channel being defined on the outside of the member and the other rib and channel being defined by an inside surface of the container; wherein the rib has an offset shark toothed cross section that makes the rib receivable into and lockable within the channel which has a reciprocating cross sectional shape (claim 21). The above stated claim limitations, in combination with other claim limitations, is not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***


3. Applicant's arguments filed June 1, 2004 have been fully considered and they are persuasive. Specifically, the applicant argument "the Office Action's application of Span-Deck is too far reaching and that the examiner has not suggested any objective evidence in support of his position that the steep rise/barrier face arrangement of the present invention is an extended application of obvious attributes" from Smith, as asserted, and therefore the rejection under 35 USC 103(a) is improper, is persuasive and therefore the claims have been allowed.

***Communication***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
WHM III  
July 6, 2004

William H. Mayo III  
Primary Examiner  
Art Unit 2831